

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JACOBY DONNER, P.C.,  
Plaintiff,**

**CIVIL ACTION**

**v.**

**ARISTONE REALTY CAPITAL, LLC,  
TODD M. LIPPIATT, and  
PATRICK M. MCGRATH,  
Defendants.**

**NO. 17-2206**

**ORDER**

**AND NOW**, this 2nd day of April, 2018, upon consideration of plaintiff/counterclaim defendant Jacoby Donner, P.C.'s Motion to Dismiss (Document No. 14, filed July 27, 2017), Counterclaim Plaintiffs' Memorandum of Law in Response to Motion to Dismiss (Document No. 15, filed August 10, 2017), Jacoby Donner's Reply in Further Support of its Motion to Dismiss (Document No. 17, filed August 30, 2017), and Defendants' Sur-Reply in Opposition to Plaintiff's Motion to Dismiss (Document No. 27, filed October 5, 2017), for the reasons set forth in the accompanying Memorandum, **IT IS ORDERED** that Jacoby Donner, P.C.'s Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. That part of Jacoby Donner, P.C.'s Motion to Dismiss which seeks to dismiss the counterclaims asserted by Aristone Realty Capital, LLC on standing grounds is **DENIED WITHOUT PREJUDICE** to Jacoby Donner's right to raise issues presented in the Motion after the completion of discovery by motion for summary judgment and/or at trial;
2. That part of Jacoby Donner, P.C.'s Motion to Dismiss which seeks to dismiss the counterclaims asserted by Todd M. Lippiatt and Patrick M. McGrath on standing grounds is **GRANTED WITH PREJUDICE**;
3. That part of Jacoby Donner, P.C.'s Motion to Dismiss which seeks to dismiss Count I

with respect to conduct arising out of Jacoby Donner's representation of AH DB is **GRANTED**;

4. That part of Jacoby Donner, P.C.'s Motion to Dismiss which seeks to dismiss Count II with respect to conduct arising out of Jacoby Donner's representation of CS Paradiso is **DENIED**;

5. **IT IS FURTHER ORDERED** that Count I is **DISMISSED** in its entirety.

**BY THE COURT:**

**/s/ Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**